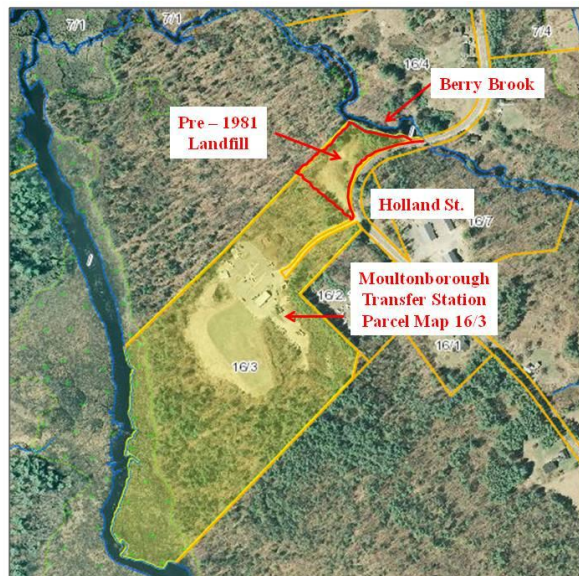


Article 11 on the 2013 town warrant is “To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand dollars (\$15,000) with which to undertake the initial phase of a preliminary site assessment, as recommended by the NH Department of Environmental Services, of the Pre-1981 Landfill located just north of the entry road to the current Transfer Station location on Holland Street.” This pamphlet is intended to provide you with the background on how this question comes before you and the implications of a yes or no vote.

Why do you refer to it as a Pre-1981 Landfill?

As the state became more environmentally aware it passed a series of rules as to how new landfills would be permitted and those still in use were to be operated and closed. It also laid out a procedure to address the many landfills across the state that had ceased operations and been closed. The landfills closed prior to July 10, 1981 became known by the shorthand of Pre-1981 Landfills. [NH Code of Administrative Rules PART Env-Sw 309]

Where is this Pre-1981 Landfill?



How big is the area we are talking about?

It is about 3.5+/- acres in size.

Wasn't this dealt with when we removed the old landfill in the early 2000s or previous?

No. We don't know why – perhaps the distance that separated the two, perhaps because it had been closed for so long it had been forgotten by many, perhaps a lack of awareness of the Pre-1981 rules – but it wasn't.

Why are we dealing with it now?

In the Spring of 2012 we received a report that a stove and some other items had been spotted downstream from the Route 109 (Holland Street) bridge that crossed Berry Brook. Our inspection confirmed this.

Why didn't we just clean these items up?

We found more than just the reported items. In walking in to do our inspection, we noted metal and glass objects in the woods and a small area of erosion on the northwest banking showing exposed metal and glass objects. Some minor erosion showing exposed materials was also noted on the northern banking. Finally we noted a minor outcropping of metal in the northeast corner of the area. This is when we learned of the long history of this area as a former town landfill.

What was our obligation once we learned all of this?

Our first step was to confer with the State Department of Environmental Services (DES) to determine how to best proceed with some clean-up and what we needed to do. This is when we learned that, assuming we could prove the landfill had been “closed” prior to July 10, 1981, we were required to “Register” it with the state. If we could not prove that other rules might apply.

So, when did we stop using this as a landfill?

As best we understand it this landfill was used from the

early 1940s to the mid 1960s when it was closed.

What do you mean closed?

We believe there was about 12” of gravel and other soils spread over the area as final cover. Natural vegetation then took over.

What else do we know about this old landfill?

As we understand it, and as was typical of the practices back then, this was operated as a “burn” dump. That is to say that as materials were deposited into the pit they were set afire to reduce the amount of space needed.

Did the Town register the site as required?

Yes we did. We submitted the [required state form](#) as well as back-up documentation on land ownership, mapping, and information on how the site was operated.

Did we do the clean-up?

We did. We operated under the DES advice of “Do No Harm” by not pulling exposed materials that might disturb larger areas. With an assist from the County House of Correction we removed almost 20 cubic yards of material. The majority was metal and recycled.

Do we have to do anything more?

We do not. The [response letter from the DES](#) stated that “...if there is no direct evidence of contamination, no further work is required.” “As there is no such evidence, you do not need to do anything more if you do not wish to do so.” Since we have complied with the regulations some people believe we should just monitor the site annually and then act accordingly.

Then why is the SelectBoard proposing to do more?

Based upon experience with other sites of this type, DES “... strongly recommends...” that the Town conduct an environmental site assessment/site

investigation (ESA/SI). In addition, members of the SelectBoard and public have raised concerns about the unknown impact this old landfill might be having on surface and ground water(s) and believe it is important to take every action we can to protect these natural resources.

Why didn't the SelectBoard just make the decision and budget for this?

There are a number of outcomes that can result from the study at an unknown end cost. Given the inability to project a cost, and the very different opinions as to how best to proceed, the SelectBoard felt it was a question best resolved by the Town Meeting.

Do we know of any other Town that has ever undertaken the study DES has "recommended"?

It was reported to us by the DES staffer involved that no Town has ever undertaken such a study.

What exactly is this first phase study?

A series of monitoring wells are drilled and ground water samples are taken and tested over a period of several seasons (Spring & Fall) in accordance with DES recommended standards.

What if we do not find groundwater contamination?

DES may require us to (a) record an Activity Use Report (AUR) or (b) undertake soil sampling. DES does acknowledge that they often do not require soil sampling as such efforts often tend to result in the AUR anyway. However, this is not to say they might not require such soil sampling. Once you have the AUR - or the soil sampling shows there is no direct contact risk - they will issue a "Certificate of No Further Action".

What if we do find groundwater contamination?

The Town will be required to develop, seek approval of, and implement a remedial action plan to "...treat,

remove or contain the source (of contamination)..." and obtain a groundwater management permit for the site.

What is the real risk this landfill is leaching into the groundwater?

No-one knows for sure. There are those that think an old "burn" dump from the days before we had many of the chemicals we use in our daily lives will probably be of low risk. There are those who strongly believe that any risk is too much risk given the location of the site.

What happens if we don't do anything further now?

From a DES perspective, nothing. However, if "direct evidence" of contamination is found in the future they will order us to undertake the cited ESA/SI at that time and follow through accordingly.

How much is this whole process going to cost?

We truly do not know. It could be as low as the \$15,000 for this first round of testing. If anything is detected we may be required to do more testing perhaps even under a Groundwater Management Permit (a 5 year program). If that additional testing verifies on site contamination DES can even push us into a removal or closure process. That process would require a substantial expenditure we cannot estimate without spending significant front end dollars on engineering.

Can we change our minds on following through with additional tests if we want to?

No. There is no turning back. Once the Town starts down this path it is committed to following through.

What if I still have more questions?

You may contact Town Administrator Carter Terenzini either by stopping in at Town Hall, by telephone at 1.603.476.2347, by regular mail at P.O. Box 139, Moultonborough, NH 03254 or by email at cterenzini@moultonboroughnh.gov.



Town of Moultonborough

Frequently Asked Questions

2013 Town Meeting

Article 11

Proposed

Study at Old Town Dump